

# Agency 94 - Commission On Public Advocacy

## Statutory Authority:

The Commission on Public Advocacy was created by the County Revenue Assistance Act, LB 646, of the 1995 Session of the Legislature. Duties were expanded by the Legislature in 1997 and 2001. All commission duties are outlined in Neb. Rev. Stat. sections 29-3919 to 3933, sections 29-4116 to 4125 and sections 25-3001 to 3004 of the Revised Statutes of Nebraska.

## Vision Statement:

The vision of the Commission on Public Advocacy is to continue providing quality legal representation for indigents who are accused of crimes, while also allowing for property tax relief for county property owners and improving the inconsistent and inadequate funding of indigent defense services in Nebraska. It further envisions reimbursing qualifying Nebraska counties for adherence to adopted indigent defense standards. It shall continue representing qualifying indigent prisoners attempting to establish innocence through DNA testing. It shall also continue to administer the Legal Aid and Services Fund to help provide civil legal services to indigent citizens of this state.

## Mission Statement:

The mission of the agency is to assist the counties of Nebraska in providing indigent defense services which are mandated by the state and federal constitutions and state laws establishing crimes and penalties. Its mission further includes reimbursing qualifying counties for adherence to indigent defense standards and to represent qualifying indigent prisoners in reexamining evidence under the DNA Testing Act. The agency is also assisting indigent citizens who are in need of civil legal services and cannot afford to hire an attorney. Our principles include a commitment to quality legal representation for persons accused of crimes who cannot afford to hire an attorney, urging the recognition of the need for indigent defense standards, recognizing the benefits of new DNA technology and assisting the civil legal system to continue its efforts to aid the indigent citizens of this state.

## Goals:

Our goals include: Continuation of provision of quality legal representation for persons accused of crimes who cannot afford to hire an attorney, to reduce the costs for counties to provide constitutionally mandated legal representation of indigent citizens of this state, to increase accountability for the state, to provide assistance, through the resource center, to public defenders and court appointed counsel, to develop state-wide indigent defense standards and to reimburse qualifying counties, to represent indigent prisoners in the use of DNA testing and to pay for such testing, and to assist civil legal service providers with funding to help indigent citizens with direct civil legal services.

## Financial Data:

	Actual FY02	Approp FY03	Request FY04	Recom FY04	Request FY05	Recom FY05
General Fund	573,896	684,610	1,634,610	538,962	1,634,610	552,138
Cash Fund	789,443	1,326,591	2,014,707	2,003,217	2,016,282	2,003,217
Federal Fund	162,991	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Agency	1,526,330	2,011,201	3,649,317	2,542,179	3,650,892	2,555,355

## Agency 94 - Commission On Public Advocacy

### Program 425 - Operations

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#### Program Objectives:

1. To provide effective direct legal representation for indigents who are accused of murder in an effort to create and maintain balance in the criminal justice system.
2. To provide counties with property tax relief in Nebraska by providing indigent defense services which are mandated by state and federal constitutions and state laws establishing crimes and penalties in the form of state assistance.
3. To help train and assist public defenders and court-appointed attorneys in felony cases and to provide them with resource assistance.

#### Financial Data:

	Actual FY02	Approp FY03	Request FY04	Recom FY04	Request FY05	Recom FY05
General Fund	515,703	569,184	569,184	538,962	569,184	552,138
Cash Fund	20,357	103,217	114,707	103,217	116,282	103,217
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total</b>	<b>536,060</b>	<b>672,401</b>	<b>683,891</b>	<b>642,179</b>	<b>685,466</b>	<b>655,355</b>

#### Performance Measures:

This agency measures performance by tracking appointments to represent indigent defendants, completion of cases, resource assistance provided, savings to counties and assurance of competent and fair representation of defendants in criminal cases.

## Agency 94 - Commission On Public Advocacy

### Program 426 - Legal Services Aid

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#### Program Objectives:

1. To create eligibility criteria, definitions, guidelines and policies to develop the application process for providers of civil legal services to indigent persons to apply for operating funds generated by docket fees established by LB 729.
2. To distribute such collected fees to qualifying civil indigent legal service providers for continued operation of such legal services and/or creation of new legal services for the indigent.
3. To supervise the providers to ensure they are following the guidelines and policies and that the money is being used as intended.

#### Financial Data:

	Actual FY02	Approp FY03	Request FY04	Recom FY04	Request FY05	Recom FY05
General Fund	0	0	0	0	0	0
Cash Fund	769,086	1,223,374	1,900,000	1,900,000	1,900,000	1,900,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total</b>	<b>769,086</b>	<b>1,223,374</b>	<b>1,900,000</b>	<b>1,900,000</b>	<b>1,900,000</b>	<b>1,900,000</b>

#### Performance Measures:

This agency measures performance by funds actually provided to qualifying indigent civil legal service providers after establishing eligibility criteria and the application process.

## Agency 94 - Commission On Public Advocacy

### Program 427 - Criminal Defense Aid

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#### Program Objectives:

1. To create guidelines and draft standards for county indigent defense systems.
2. To inform counties of the existence of the standards and the process for compliance to qualify for reimbursement.
3. To reimburse qualifying counties for indigent defense services expenses.

#### Financial Data:

	Actual FY02	Approp FY03	Request FY04	Recom FY04	Request FY05	Recom FY05
General Fund	0	0	950,000	0	950,000	0
Cash Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>950,000</b>	<b>0</b>	<b>950,000</b>	<b>0</b>

#### Performance Measures:

Performance would be measured by the number of qualifying counties choosing to participate in the reimbursement program and the reimbursements provided.

## Agency 94 - Commission On Public Advocacy

### Program 455 - Dna Testing

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#### Program Objectives:

1. To accept appointments to represent qualifying indigent prisoners in the use of improving DNA technology to reexamine evidence which may/may not establish innocence.
2. To pay for DNA testing to reexamine evidence which may/may not establish innocence of indigent prisoners.

#### Financial Data:

	Actual FY02	Approp FY03	Request FY04	Recom FY04	Request FY05	Recom FY05
General Fund	3,472	115,426	115,426	0	115,426	0
Cash Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total</b>	<b>3,472</b>	<b>115,426</b>	<b>115,426</b>	<b>0</b>	<b>115,426</b>	<b>0</b>

#### Performance Measures:

This agency measures performance of this program by number of cases appointed to for representation.

## Agency 94 - Commission On Public Advocacy

### Program 575 - Byrne Grants

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#### Program Objectives:

Program 575 represents the federal Byrne grants received by the Commission on Public Advocacy.

#### Financial Data:

	Actual FY02	Approp FY03	Request FY04	Recom FY04	Request FY05	Recom FY05
General Fund	54,721	0	0	0	0	0
Cash Fund	0	0	0	0	0	0
Federal Fund	162,991	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total	217,712	0	0	0	0	0

#### Performance Measures:

This agency measures performance by tracking appointments to represent indigent defendants, completion of cases, savings to counties and assurance of competent and fair representation of defendants in criminal cases.